

APPEAL NO. 040336
FILED APRIL 5, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 13, 2004. The hearing officer determined that the _____, compensable injury of the respondent (claimant) extends to and includes the lumbar condition after January 13, 2003, and that claimant had disability from February 12, 2003, through the date of the hearing. Appellant (carrier) appealed these determinations on sufficiency grounds. Claimant responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

In this case, the question was not so much whether claimant suffered a new injury in January 2003, but whether carrier proved that any alleged new injury is the sole cause of the claimant's current condition. To prove sole cause regarding a subsequent injury, the burden is on the carrier to prove that the claimant's subsequent injury is the sole contributing factor to the claimant's current condition or disability. Texas Workers' Compensation Commission Appeal No. 033368, decided February 19, 2004. The parties stipulated that claimant sustained a compensable low back injury on _____, and the hearing officer determined that the compensable injury extends to and includes the lumbar condition after January 13, 2003. The hearing officer could and did find from the evidence that the compensable injury was at least a cause of the inability to obtain and retain employment at wages equivalent to the preinjury wage.

We have reviewed the complained-of determinations regarding extent of injury and disability and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Edward Vilano
Appeals Judge